### UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO

In re:

**PROMESA** Title III

THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO.

as representative of

Case No. 17 BK 3283-LTS

THE COMMONWEALTH OF PUERTO RICO, et al.

(Jointly Administered)

Debtors.<sup>1</sup>

In re:

**PROMESA** Title III

THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

Case No. 17 BK 4780-LTS

PUERTO RICO ELECTRIC POWER AUTHORITY.

Debtor.

Re: ECF Nos. 815 (Case No. 17-4780), 2985 (Case No. 17-3283)

MASTER LINK CORPORATION,

Movant,

-against-

THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

PUERTO RICO ELECTRIC POWER AUTHORITY,

Respondent.

**Motion in Compliance with Order Relates Only to PREPA and Shall** Only be Filed in Case Nos. 17 BK 3283-LTS and 17 BK 4780-LTS

The Debtors in the jointly-administered Title III cases, along with each Debtor's respective Title III case number listed as a bankruptcy case number due to software limitations and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (iv) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); and (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

## JOINT MOTION IN COMPLIANCE WITH ORDER RELATED TO MASTER LINK CORPORATION'S MOTION FOR RELIEF OF STAY

To the Honorable United States District Court Judge Laura Taylor Swain:

On behalf of the Puerto Rico Electric Power Authority ("<u>PREPA</u>"), the Puerto Rico Fiscal Agency and Financial Advisory Authority ("<u>AAFAF</u>") pursuant to the authority granted to it under the *Enabling Act of the Fiscal Agency and Financial Advisory Authority*, Act 2-2017, and Movant, Masterlink Corporation ("<u>ML</u>"), respectfully submit this Joint Motion in Compliance with Order (the "<u>Motion"</u>). In support of the Motion, the parties respectfully state as follows:<sup>2</sup>

- 1. On July 16, 2018, this Court issued an order granting ML's unopposed request for an extension of time to file a joint report and extended the deadline to July 25, 2018. [Dkt. No. 3524.] The joint report pertains to this Court's order entered on May 1, 2018 (the "<u>Initial Order</u>") concerning the parties' "efforts to seek to develop a mutually acceptable resolution of the outstanding performance bond issue or, at minimum, an agreed statement regarding the nature and pendency of the stayed litigation that can be used in connection with inquiries as ML's bids for business." [Dkt. No. 2985 at 6.]
- 2. In compliance with the Initial Order, on July 25, 2018, the parties informed the Court of the efforts made by both parties to reach an agreement as related to the nature and pendency of the stayed litigation and ML's concerns regarding the potential impact of the pending litigation in relation to its commercial prospects with PREPA. [Dkt. No. 3696]
- 3. At the time, the parties requested until August 27, 2018 to inform the Court of the status of a mutually agreeable statement regarding both parties' concerns going forward.

The Financial Oversight and Management Board for Puerto Rico, as the Debtors' representative pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* ("PROMESA"), has authorized AAFAF to join in this Motion on behalf of PREPA.

4. The parties herbey inform the Court that the parties are in communication and still in the process of discussing possible alternatives and drafting a mutually acceptable statement.

5. Accordingly, the parties respectfully request that the parties provide the Court a joint status report on these efforts on or before September 7, 2018.

**WHEREFORE**, the herein appearing party respectfully requests the Honorable Court to grant the requested extension of time, until September 7, 2018.

**WE HEREBY CERTIFY** that on this date, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel of record.

### RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 27<sup>th</sup> of August, 2018.

# THE PUERTO RICO FISCAL AGENCY AND FINANCIAL ADVISORY AUTHORITY, as Fiscal Agent for PREPA

By its attorneys,

/s/ Kevin D. Finger

Kevin D. Finger (admitted pro hac vice) David D. Cleary (admitted pro hac vice) Greenberg Traurig, LLP 77 West Wacker Drive Suite 3100 Chicago, IL 60601

Phone: 312.456.8400 Fax: 312.456.8435

Email: fingerk@gtlaw.com clearyd@gtlaw.com

#### MOVANTS MASTERLINK

S/ Alexis A. Betancourt Vincenty Alexis A. Betancourt Vincenty USDC-PR No. 301304 Lugo Mender Group, LLC 100 Carr. 165 Suite 501 Guaynbao, P.R. 00968-8052 Tel. (787) 707-0404 Fax (787) 707-0412 a\_betancourt@lugomender.com Nathan A. Haynes (admitted pro hac vice)

Greenberg Traurig, LLP

200 Park Avenue

New York, NY 10166

Phone: 212.801.9200 Fax: 212.801.6400

Email: mitchelln@gtlaw.com haynesn@gtlaw.com

Joseph P. Davis (admitted pro hac vice)

Greenberg Traurig, LLP

One International Place, Suite 2000

Boston, MA 02110 Phone: 617.310.6000 Fax: 617.310.6001

Email: davisjo@gtlaw.com

## THE PUERTO RICO ELECTRIC POWER AUTHORITY

By its attorneys,

/s/ Arturo Díaz Angueria

USDC No. 117907

/s/ Katiuska Bolaños Lugo

USDC No. 231812

CANCIO, NADAL, RIVERA & DÍAZ,

P.S.C.

PO Box 364966

San Juan, PR 00936-4966

Phone: (787) 767-9625 Fax: (787) 764-4430 Email: adiaz@cnrd.com

kbolanos@cnrd.com

Dated: August 27, 2018

San Juan, Puerto Rico